

CITY OF MEDINA PLANNING COMMISSION

Meeting Minutes

Wednesday, November 12, 2008

1. **Call to Order**: Vice Chair Charles Nolan called the meeting to order at 7:00 p.m.

Present: Planning Commissioners, Victoria Reid, Robin Reid, Charles Nolan, Mary Verbick and Michele Litts

Absent: Jim Simons and Jeff Pederson

Also Present: Planning Director Tim Benetti, Associate Planner Dusty Finke, and Planning Assistant Debra Peterson-Dufresne.

2. **Public Comments on Items not on the Agenda**

No public comments.

3. **Update from City Council Proceedings**

Benetti updated the Commission regarding the following:

- The Council heard nearly three hours of residents' responses to the PUD amendment application from Hennepin County for a wind turbine, with approximately one third for the turbine and two thirds against. After hearing from residents, the Council stated their reasons for support of the wind turbine and directed staff to prepare a resolution for approval.
- The Council wanted to inform the Commission that if they need time to research the validity of statements from residents regarding an application, the Commission should ask to table the application in order to do their due diligence, or to direct staff to research the relevance of the statements made. Also, if a recommendation for denial is made, there must be findings of fact to support the recommendation.
- It was recommended by the Council that a joint workshop be held in 2009 to review process and procedures.
- The Council is seeking a consultant to guide the City on how to begin to merge Loretto and Hamel fire departments.
- The Council approved the canvas returns from the election in Medina.
- The Council directed staff to deny an application to train dogs in Hamel Legion Park on the grounds that the hours were too long and too frequent, and the dogs would be off-leash in a family oriented park.
- The Council tabled the proposed Commercial Zoning District Amendments due to the lateness of the hour at the last Council meeting.

4. Planning Department Report

Finke updated the Commission on the new applications received:

- Woodridge Church for a CUP Amendment for an addition.
- Anderson lot line rearrangement and variances.

5. Approval of October 14, 2008 Planning Commission Minutes

Motion by R. Reid seconded by Verbick to approve the October 14, 2008 minutes with the noted changes. Motion carried unanimously (Absent: Simons and Pederson).

6. Public Hearing – Ordinance Amendment - Chapter 8 of Medina’s City Code regarding General Business and Industrial Zoning Districts, whereby creating a new Office/Light Industrial Zone and the Industrial-General Zone.

Finke presented the ordinance amendment, explaining the comments by business owners at the open house held for this district:

- Hardcover Regulations
- Allowed Uses
- Tree Preservation/Landscaping
- Outside Storage
- Percentage of Impervious Surface
- Building Modulation

Finke explained that the ordinances proposed suggest two new zoning districts, with the heavier uses placed in the industrial land use areas.

The Office/Limited Industrial (O/LI) district allows office and lighter industrial uses, as well as larger upscale service/retail uses. The district will have proximity to major roadways, but likely border rural property in various locations as well.

The Industrial-General (IG) district allows most of the uses that the Office/Light Industrial (O/LI) district allows, except the IG district wouldn’t allow larger retail uses. The IG district would allow heavier industrial uses and would likely be separated from residential property by either an O/ LI district or a commercial zoning district.

Finke reviewed the permitted and conditional uses within the two proposed zoning districts and recommended not including the current requirement restricting a maximum of 30 percent warehousing. Lot standards were also presented by Finke.

Finke explained the building design and development standards. Specifically he reviewed building height, tree preservation, landscaping, outside storage, building modulation, building transparency, building materials, and multi-sided architecture.

Finke informed the Commission that staff met with the fire department regarding building height (buildings over 30 feet in height).

Nolan explained that he wanted to structure the discussion of the ordinance, by taking one topic at a time.

V. Reid raised concern that the objectives and actions were not the same. Finke explained that the objectives were taken from the Comprehensive Plan for the commercial, general business, and industrial business districts.

R. Reid asked if staff proposed expanding the industrial zoning districts. Finke explained that staff looked at the companies that exist currently and tried not to bring existing properties into non-conformity through the process of changing the ordinance.

Finke explained that the City has the discretion to place the districts where they choose.

V. Reid expressed concern that the proposed zoning ordinance is stronger than the recommendation of the comprehensive plan.

V. Reid asked if we should be scaling down the ordinance to be more similar to the comprehensive plan

Nolan explained the City wants to encourage development and try and get quality development and lessen the constraints of a developer. He feels that some of the constraints in the past have been the barrier for developing in Medina.

R. Reid felt that the percentage of warehousing is too restrictive and not realistic. Finke explained that it is not recommended that retail have a restriction on storage.

Nolan asked Finke to review the uses in each district. Finke reviewed the uses.

Litts asked where big box users are allowed. Finke explained that they could go anywhere that is zoned office or limited industrial. Generally those lots are closer to the highway. He explained that the district has a majority of 40 acre parcels and the market will guide the process.

R. Reid asked for clarification of why we show properties on Hamel Road and Arrowhead Drive. Finke explained that the land use decision has been made through the Comprehensive Plan (General Business). The Commission proceeded to discuss specific parcels.

Nolan asked if the Commission would be interested in a second business district as more of a transition district. Finke stated he had looked for a reason to add an additional district but found

the industrial parcels were larger and that in the future the zoning could change, dependent on how it developed.

The consensus of the Commission was that it wasn't necessary to add another district.

V. Reid asked if Target was covered by either of the proposed ordinances. Finke explained that the Target business is in a commercial district and that big box retail is proposed to be allowed in O/LI.

Nolan felt that most communities have more of a breakdown of commercial districts. He felt the alternative is to take retail out. Finke said that we allow retail in all commercial districts and some in the industrial districts. Nolan asked if all developments are subject to site plan reviews and Finke replied with a yes.

Litts felt big box users are more appropriate along the highway.

Nolan commented that most communities have more of a breakdown of districts. He said the alternative is to take retail out. Finke explained that retail is allowed in all the business districts.

V. Reid said that the big box retail would be more appropriate in the IG district.

Nolan asked to review CUP uses.

M. Verbick asked if restaurants are listed in one of the categories. Finke said they are not allowed in the industrial districts.

Nolan suggested that the ordinance only allow adult establishments and pawn shops in one of the two industrial districts, and not both. The consensus of the Commission was to remove the two uses from the Office/Light Industrial zoning district and only allow in the Industrial-General district.

Public hearing opened @ 8:01 p.m.

Mike Leuer, 1522 Medina Road, commended Commission on the work they've been doing with changing the zoning ordinance. His biggest concern is that the ordinances be improved to allow developers to have more of an ability to develop within the community. Leuer also asked about setbacks from a property he would like to develop in the future.

Dennis Holmquist asked for clarification of rural residential.

Verbick raised concern with a motel/hotel not being allowed to have a restaurant (page 3 of staff report). The Commission felt that motels, hotels, fitness clubs, and office buildings be allowed to have accessory restaurants and coffee shops within the principal use. Finke said he could add restaurants as an accessory use to the principal use.

R. Reid raised concern with the proposed zoning for the Loram property (vacant parcel). Finke explained that the land use in the Comprehensive Plan is General Business. R. Reid stated that she'd prefer to see this be more commercial since it's in more of a transition area.

Nolan raised concern with auto towing, repair, detailing, marine sales, trailer sales, and rentals. He favors taking these uses out of the Office/Limited Industrial. Verbick asked why the City proposes to allow them in both industrial districts. Finke explained that they were placed within these districts rather than the commercial because they were more evasive type uses and wouldn't be as appropriate in the commercial districts. V. Reid asked for clarification of auto towing and repairs within the commercial districts. Nolan recommended they be allowed in the Industrial Commercial and not Office/Light Industrial.

Litts asked if we have specific districts to allow for nursing homes. The Commission concluded that assisted living facilities, nursing homes, hospitals, schools, and churches be added as allowable uses.

Nolan recommended fitness clubs be required to go through the CUP process. Finke suggested the Commission consider allowing smaller fitness clubs as permitted uses. The Commission agreed with Finke's recommendation.

M. Verbick stated she did not have an issue with staff recommendation for the warehousing. Finke explained that the warehousing limitation would be based on square footage rather than percentage. Nolan informed the Commission that he knows the Council has concern with truck traffic related to this type of use.

R. Reid raised concern with loading docks facing residential districts. Leuer stated that they prefer offices facing residential districts and dock areas to be at the rear of the building. He also pointed out that buildings serve as a natural screen. Verbick informed the Commission that they wouldn't be able to limit truck traffic, but Leuer added that the volume of traffic is low within these types of districts. Leuer pointed out to the Commission that hours tend to be opposite of a residential district, such as the business is open when residential property owners are typically at work, and the business is closed when the residential property owners are home in the evenings.

Nolan asked Leuer where the office portion of a building should face. Leuer stated that offices should face along the street.

Consensus of the Commission was that any building over 50,000 square feet require a CUP.

Nolan suggested the City require mandatory green area when a business abuts a residential zoning district. Finke stated that within the setback areas screening is required, but this area of the ordinance could be improved to be clearer. The consensus of the Commission was to require the ordinance to specifically state green area required within setback area and that it could be incorporated into the landscape requirements.

Leuer asked why the ordinance requires a 50 foot setback from a residential district for parking. Nolan stated that berming and landscaping does a lot more than distance. R. Reid stated she isn't

a fan of the berms around town. Leuer suggested that if an adjacent property is zoned rural residential the setback could be reduced, since most homes are hundreds of feet away.

Verbick felt that all lots are unique. She also said that she wants to protect residents, and at the same time assist developers, so they can develop in Medina. She further went on to say that what the City requires within the setback area for parking when it's adjacent to residential isn't easy, yet it's important. Nolan suggested that screening be required. Finke explained the proposed ordinance requires screening, yet it doesn't state that it has to be a green area. The Commission concluded that the setback could be reduced to 35 feet and that a berm/landscaping would be required within that area.

R. Reid recommended that impervious surface be increased to 85 percent since the wetland ordinance has been passed. Verbick agreed and felt that it would be more consistent with the commercial districts. Finke explained the impervious surface requirements of the commercial districts. Litts said that she had concern with going from 50 percent to 85 percent since it would be a huge increase. The Commission recommended that the impervious surface coverage be increased to 80 percent without wetlands and 85 percent with wetlands included.

Nolan asked about the 175 foot lot depth requirement. It was recommended that it remain at 175 feet.

The Commission discussed building height and Finke explained that the Loram building is 37 feet, requiring a Variance. The Commission discussed the need for a ladder truck for the fire department and sprinkling of buildings as part of the building height requirements. The Commission concluded that 35 feet should be allowed and if it exceeded this height, up to 45 feet, it would require a CUP with conditions.

The Commission did not have any recommended changes related to exterior lighting, tree preservation, or landscaping.

The Commission discussed building modulation and Nolan expressed that he would like the use of more windows and suggested adding the word "encourage" the use of windows. The Commission agreed.

Leuer requested clarity of page 14 relating to setbacks. He felt that a 200 foot setback is excessive. The Commission concluded that 200 feet is a lot and since the Commission will have the discretionary power of the CUP, the 200 foot setback could be eliminated.

Nolan asked if the ordinance defined concrete under the exterior building materials. Finke stated that the ordinance does define it.

Nolan said he favors outside storage through the CUP process. Verbick stated that she supports Nolan's view. V. Reid commented that she prefers an applicant not have to go through the CUP process and would rather have the money go towards the appearance of the building. She would like to not always solve things with a CUP. R. Reid asked if the Commission felt the percentages were acceptable. Finke explained where the percentages came from and that an

applicant would still have to meet the impervious surface requirements. The Commission recommended the percentages be reduced to 30 percent and 10 percent.

Litts raised concern with veterinarian clinics and the noise generated from them. Finke explained the section and said that it is a conditional use which would allow for discussion of noise.

A discussion of uses and setbacks were discussed by the Commission. Nolan asked the Commission if they had comments relating to the wording of the ordinance. No comments were given.

Finke asked for clarification from the Commission, if they were alright with Pawn Shops and Adult Establishments. It was clarified that they would only be allowed in the industrial general district.

Public Hearing closed at 9:21p.m.

Nolan asked the Commission if they were comfortable with moving the ordinance along to the City Council with the direction given to staff. The consensus of the Commission was to move the ordinance forward. Finke commented that he felt comfortable with the direction given by the Commission.

Motion by Verbick, seconded by Litts to recommend approval of the amended Ordinance with suggested recommendations of the Commission. Motion carried unanimously (Absent: Simons and Pederson).

7. Open Discussion – Residential Zoning Update; Planning Staff update on completed and proposed land use (zoning) controls; 2010 Comprehensive Plan; and future land use applications.

Benetti explained that he would like feedback on residential districts. He further explained that staff is continuing to work on the comprehensive plan. The future land use applications next month may take up a lot of time. If the two applications take up too much time, staff would postpone the residential ordinance review until the following month.

Nolan asked if we'd be looking at one residential chapter at a time. Benetti explained that the single family zoning the City has currently may not need to change, but would be reviewed. He anticipates the multi-family zoning district chapter to take a lot more time and would be reviewed separately.

Nolan asked if the single family districts would need changing. Benetti said that he wasn't sure, but if changes weren't necessary, he would make a recommendation to keep it in place and would give a brief presentation to the Commission.

8. Adjourn: Motion by V. Reid, seconded by Verbick to adjourn at 9:28 p.m. Motion carried unanimously (Absent: Simons and Pederson).